

**AUCTIONEER BOARD
MADISON, WISCONSIN
OCTOBER 25, 1999**

PRESENT: Ronald Bast, Robert Brandau, Marie Kohlbeck, Richard Lust, Mark Shain, Marie Skic-Loy; Robert Massart (by telephone at 10:45 a.m.)

STAFF PRESENT: Cletus Hansen, Donald Rittel, Jan Neitzel

CALL TO ORDER

The meeting was called to order at 9:04 a.m. by Richard Lust, Chair, upon confirmation that the public notice was timely given. A quorum of 6 members was present.

AGENDA

MOTION: Ronald Bast moved, seconded by Marie Kohlbeck, to adopt the agenda as published. Motion carried unanimously.

MINUTES (8/23/99)

MOTION: Marie Skic-Loy moved, seconded by Robert Brandau, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Marlene Cummings

Secretary Cummings reported the Budget Bill is waiting for the Governors signature.

In response to Secretary Cummings questions, Richard Lust discussed the pros and cons of eliminating the temporary permits.

Mr. Lust stated the complaint screening process has been a benefit to the Auctioneer Board.

Cletus J. Hansen

- Roster

Mr. Lust corrected his phone number in the August 1999 Board roster.

- Meeting Dates

The Board received a copy of the August 24, 1999, memo listing the meeting dates for the year 2000. Noted.

The Board noted the next auctioneer meeting is December 6, 1999.

LEGISLATIVE UPDATE

Advertising and Licensing

The Board received a copy of the October 1, 1999 memo from Myra Shelton relating to Senate Bill 224. The bill would permit the abbreviation of Registered Wisconsin Auctioneer.

The Board received a copy of the testimony by Don Rittel before the Senate Committee on Labor relating to Senate Bill 224.

ADMINISTRATIVE RULES

The Board received a copy of the September 1999 Wisconsin Regulatory Digest for Auctioneers and Auction Companies.

Clete Hansen noted 2 errors in the rules: RL 126.02(13). Change “or other amount of the buyer’s premium or surcharge”, to “or other amount of the buyer’s fee or surcharge.” RL 125.03 states, “as described in RL 125.11.” RL 125.11 is not listed.

The Board discussed the best approach to make the corrections.

RECIPROCITY

The board received a copy of the October 5, 1999, letter from Clete Hansen relating to reciprocity. Noted.

The Board received a copy of the September 9, 1999, NAA Publications article entitled “Illinois legislature passes auction license act.”

The Board received a copy of the October 8, 1999, letter from Bernadette Paul, Counsel, State Board of Auctioneer Examiners, relating to possible reciprocity with Pennsylvania.

Clete Hansen reported Illinois is interested in a reciprocal agreement with Wisconsin.

MONITORING OF CONTINUING EDUCATION REQUIREMENT

Clete Hansen discussed his October 11, 1999, memo listing the auctioneers who had not completed the required continuing education during 1997-1998. Mr. Hansen stated that those who have not corrected the problem will be referred to the Division of Enforcement (DOE). Ten persons have not resolved the problem.

TEMPORARY REGISTRATION

Interpretation of s. 480.08(7), Stats.

Robert Massart joined the meeting by telephone at 10:45 a.m.

Richard Lust referred to the earlier discussion of Secretary Cummings and the Board, stating the Secretary would like additional information explaining the reasons for changing or eliminating

the temporary permit and statistics relating to the number and length of time the temporary permits have been held.

MOTION: Mark Shain moved, seconded by Robert Brandau, to recommend that the Department adhere strictly to the statutes relating to temporary licenses.

Mark Shain amended his motion as follows,

MOTION: Mark Shain moved, seconded by Robert Brandau, to recommend that the Department adhere strictly to the statutory language relating to temporary licenses in an attempt to stop the improper use of the temporary permit and to request Secretary Cumming's help make this change. Motion carried unanimously.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

Correspondence with Abid M. Butt

Don Rittel discussed his August 26, 1999, letter to Abid M. Butt.

NEW BUSINESS

The Board received a copy of the October 11, 1999, memo from Clete Hansen relating to an attached account summary sheet prepared by an auditor.

Richard Lust said he used the "Auction Account Summary Sheet" at a training program and it was well-received.

PUBLIC COMMENTS

None.

RECESS TO CLOSED SESSION

MOTION: By consensus, the Board convened the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, deliberations on stipulations that may be signed after printing of the agenda, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Ronald Bast-yes; Robert Brandau-yes; Marie Kohlbeck-yes; Marie Skic-Loy-yes; Robert Massart-yes; Mark Shain-yes; Richard Lust-yes.

Open Session recessed at 9:51 a.m.

The Board deliberated on case closings and stipulations. Robert Massart was present only for the discussion of case closings and the Klug stipulation.

The Board received a copy of the October 19, 1999, case status report.

ADJOURN CLOSED SESSION

MOTION: By consensus, the Board adjourned the Closed Session to reconvene in Open Session as publicly announced. Motion carried unanimously.

Closed Session adjourned at 11:49 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Marie Kohlbeck moved, seconded by Robert Brandau, to close the following case presented by the Division of Enforcement. Motion carried unanimously.

96 Auc 137	Paul A.J. Vnuk	No violation, hold on license
	Vnuk & Associates Ltd.	No violation

MOTION: Robert Brandau moved, seconded by Marie Skic-Loy, to close the following case presented by the Division of Enforcement. Motion carried unanimously.

98 AUC 020	Nitke Sales Inc.	No violation, Refer to Division of Motor Vehicles
	Jerry F. Nitke	No violation
	Rebecca A. Nitke	No violation

MOTION: Marie Skic-Loy moved, seconded by Mark Shain, to close the following case presented by the Division of Enforcement. Motion carried unanimously.

97 AUC 016	Duane J. Dornacker	No violation, letter of concern
	Peter K. Grotzke	No violation

MOTION: Marie Skic-Loy moved, seconded by Robert Brandau, not to close the following case presented by the Division of Enforcement, pending further information. Motion carried unanimously.

98 AUC 027	Steven Good
	Alan R. Kravets
	Sheldon Good & Co Auctions

STIPULATIONS

Lance A. Klug (Fort Atkinson, WI)

MOTION: Marie Skic-Loy moved, seconded by Mark Shain, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Lance A. Klug. Motion carried unanimously.

George Auction Service (Evansville, WI)

MOTION: Marie Skic-Loy moved, seconded by Mark Shain, to deny oral presentation on behalf of Paul and Dean George. Robert Massart did not participate in the deliberations or the voting. Motion carried unanimously.

MOTION: Marie Skic-Loy moved, seconded by Robert Brandau, to deny renewal of the license for George Auction Company. 4-yes, 1-no. Richard Lust and Robert Massart did not participate in the deliberations or the voting. Motion carried unanimously

Paul S. George (Brooklyn, WI)

MOTION: Marie Skic-Loy moved, seconded by Robert Brandau, to accept the proposed decision of the Administrative Law Judge, except to suspend the license of Paul S. George for a period of 1 year. 4-yes, 1-no. Richard Lust and Robert Massart did not participate in the deliberations or the voting. Motion carried unanimously

Dean K. George (Evansville, WI)

MOTION: Marie Skic-Loy moved, seconded by Robert Brandau, to accept the proposed decision of the Administrative Law Judge, except to suspend the license of Dean George for a period of 6 months. 4-yes, 1 no. Richard Lust and Robert Massart did not participate in the deliberations or the voting. Motion carried unanimously

ADJOURNMENT

MOTION: By Consensus, the Board adjourned the meeting at 12:10 p.m.